

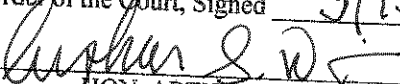
March 15, 2013

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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The following constitutes the
Order of the Court, Signed

3/15 2013


HON. ARTHUR S. WEISSBRODT
United States Bankruptcy Judge

Attorneys for American Liberty Investments,
L.L.C.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re

BENYAM MULUGETA and PAULA R.
MULUGETA,

Debtors.

Case No. 09-51900-ASW
Chapter 11

**STIPULATED ORDER GRANTING
COMPROMISE OF CLAIMS AND
RELIEF FROM THE AUTOMATIC
STAY TO SECURED CREDITOR
AMERICAN LIBERTY
INVESTMENTS, L.L.C.
(Grand Avenue Property)**

Hearing:

Date: March 15, 2012

Time: 2:15 p.m.

Crtrm: 3020

**280 S. First Street
San Jose, California**

At the hearing on March 5, 2013, secured creditor American Liberty Investments, L.L.C., ("American Liberty") and debtors Benyam Mulugeta and Paula R. Mulugeta (collectively the "Debtors") stipulated to a compromise of claims and to relief from the automatic stay pertaining to the real property commonly referred to as 343 Grand Avenue, Oakland, California (the "Grand Property"). On March 6, 2013, American Liberty filed and served a Notice (the "Notice") of Hearing Re Compromise of Secured Claims of American Liberty Investments, L.L.C., Successor in Interest to Sterling Savings Bank

1 [Docket No. 771].

2 The hearing on the Notice was held on March 15, 2013, at 2:15 p.m., before the
3 Honorable Arthur S. Weissbrodt, United States Bankruptcy Judge in his courtroom 3020 of
4 the above-captioned United States Bankruptcy Court. Appearances were as set forth on the
5 record.

6 Based upon the stipulation of Debtors and American Liberty and upon the extensive
7 record in this case, the Court finds that notice is proper and that the proposed compromise
8 between Debtors and the estate, on the one hand, and American Liberty, on the other, is
9 fair and reasonable and is approved.

10 **NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

11 1. American Liberty is granted immediate relief from the automatic stay under
12 11 U.S.C. §362(d) in order to complete its non-judicial foreclosure sale of the Grand
13 Property and to exercise all of its other rights and remedies under State law and pursuant to
14 its Deed of Trust and other loan documents; American Liberty shall immediately proceed
15 with its non-judicial foreclosure sale;

16 2. Upon entry of this Order, Debtors' shall cooperate in the immediate turnover
17 of the possession and control over the Grand Property to American Liberty, including
18 without limitation turning over all rental agreements, accountings and property disclosures;

19 3. Upon receipt of possession of the Grand Property along with all rental
20 agreements, accountings and property disclosures by American Liberty, American Liberty
21 shall wire transfer to the Debtors' "debtor-in-possession" account, the total sum of One
22 Hundred Thousand Dollars (\$100,000) ;

23 4. From and after the date American Liberty takes possession and control of the
24 Grand Property, American Liberty shall indemnify and hold the Debtors' estate harmless
25 from any claim that arises from or in connection with its possession and control of the
26 Grand Property or from a condition of the Grand Property that arises after the date
27 American Liberty takes possession; and,

28 5. This Order shall constitute a mutual release by and among the Debtors, on

1 the one hand, and American Liberty, on the other, and each of their respective past,
2 present, and future parent and affiliated corporations and entities, owners, directors,
3 officers, employees, subsidiaries, agents, representatives, relatives, heirs, trust,
4 beneficiaries, shareholders, alter egos, attorneys, predecessors, successors, assigns,
5 insurers, and underwriters, do hereby settle, release, remise, discharge, and waive forever
6 all claims, including all actual or potential claims, debts, disputes, liabilities, obligations,
7 rights, damages, injury or causes of action, whether known or unknown, anticipated or
8 unanticipated, suspected or unsuspected, fixed or contingent which were or could have
9 been asserted as arising from the Grand Property Loan. This release of claims includes a
10 waiver under Section 1542 of the California Civil Code.

11 5. This Order is binding and effective despite any conversion of this bankruptcy
12 case to a case under any chapter of Title 11 of the United States Code (11 U.S.C. §§ 101
13 et. seq.).

14 9. The fifteen (15) day stay provided by Rule 4001 of the Federal Rules of
15 Bankruptcy Procedure is waived and this Order is effective upon entry.

16
17 * *END OF ORDER* *

18
19 Paragraphs 2 and 3 were clarified
20 and modified by the parties and
21 court orally on the record.
22 This order will be effective
23 on 3/20/13. ASW
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Case #09-51900-ASW

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